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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,693	01/17/2006	Norman Regenscheid	ZAHFRI P808US	8240

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DAVIS BUJOLD & Daniels, P.L.L.C.
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CONCORD, NH 03301

EXAMINER

PANG, ROGER L

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3681

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/561,693	Applicant(s) REGENSCHEIT, NORMAN	
	Examiner Roger L. Pang	Art Unit 3681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 7-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12-22-05 & 5-10-06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

The following action is in response to application 10/561,693 filed on January 17, 2006.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim 1:

on lines 1-2, any limitation preceded by "in particular" is not a definite claim.

on lines 6-7, applicant claims that the output shaft is also used as "a first jack shaft," and then on line 11, applicant claims that shaft 4 is also the fourth jack shaft. Although part labels in parenthesis are not positive limitations, it is unclear if applicant has claimed the use of the output shaft as a jack shaft twice, or if the first and fourth jack shafts are indeed two different shafts.

on lines 15-16, the limitation of "the shaft of the force distribution of the upstream wheel" lacks antecedent basis.

please note that the claim limitations wherein the shafts "can be rotated" is being interpreted as a "possible design choice while keeping the functionality of the claimed transmission" as opposed to a transmission wherein the shafts can be moved after assembly.

With regard to claim 11:

Applicant is removing a previously claimed limitation. This is not permitted.

With regard to claim 12:

As noted earlier, the labels within parenthesis are not definite limitations. On lines 3-4, applicant is claiming “jack shaft (6).” This is indefinite, as it does not specify exactly which jack shaft the idler is on.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7, and 10-11 are rejected (as best understood) under 35 U.S.C. 102(b) as being anticipated by Huber ‘050. With regard to claim 7, Huber teaches a multi-gear high-low clutch for construction machines, in particular for excavator loaders and telehandlers, with a torque converter 2, a drive shaft 3, an output shaft 23 and several jack shafts (Fig. 2), with distributed idlers on the drive and output shafts, fixed wheels and shift clutches, which form several reduction gear units for a gearshift and direction circuit, containing six forward gears and three reverse gears (Col. 3), the output shaft is also used as a first jack shaft for a first gear (Fig. 1), wheels of a forward gear unit corresponding second jack shaft 9 and the wheels of a further forward gear unit corresponding third jack shaft 6 engage with wheels of drive shaft, both of these second and third jack shafts can be rotated in every desired angle position around the drive shaft (maintaining their proper connections), further corresponding fourth and fifth jack shafts 7/23 of the gears, applied to the drive shaft, are arranged one behind another on a side of the drive shaft and that the corresponding fourth and fifth jack shafts of the gears can currently be rotated around the next visibly

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arranged jack shaft in a large angle area in a direction of drive shaft (Fig. 1), the further corresponding fourth and fifth jack shafts can be rotated around the shaft of a force distribution of the upstream wheel. With regard to claim 10, Huber teaches the clutch, wherein by adding one or more wheels, a wide spectrum of transmission ratios and transmission ratio spreads results (true of all transmissions of this type). With regard to claim 11, Huber teaches the clutch, wherein by removing an entire shaft, a transmission with four forward gears and two reverse gears results (true of all transmissions of this type comprising the same starting ratios).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 12 (as best understood) are rejected under 35 U.S.C. 103(a) as being unpatentable over Huber as applied to claim 7 above, and further in view of Lamela '399. With regard to claim 8, Huber teaches the clutch, but lacks the teaching of an insertable front wheel drive connected to a fixed wheel of the output shaft 23. Lamela teaches a multi-gear high-low clutch for construction machinery, wherein an insertable front wheel drive 17 is connectable to a fixed wheel 66 of an output shaft 18 by an idler 72 and can be arranged in a large angle area

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around the output shaft. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Huber to employ a front wheel drive connection in view of Lamela in order to provide power to both front and rear wheels thereby providing more traction. With regard to claim 12, Huber teaches the clutch, but lacks the teaching of an insertable front wheel drive connected with a fixed wheel by an idler on a front wheel drive jack shaft (as interpreted). Lamela teaches a multi-gear high-low clutch for construction machinery, wherein an insertable front wheel drive 17 is connectable to a fixed wheel 66 of an output shaft 18 by an idler 72 on a front wheel drive jack shaft 20. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Huber to employ a front wheel drive connection in view of Lamela in order to provide power to both front and rear wheels thereby providing more traction.

Claim 9 is rejected (as best understood) under 35 U.S.C. 103(a) as being unpatentable over Huber as applied to claim 7 above, and further in view of McAskill '475. Huber teaches the clutch, but lacks the teaching of providing both front and rear wheel drive on said output shaft 23. McAskill teaches a multi-gear high-low clutch for construction machinery, wherein a permanent front wheel drive where front wheel 24 and rear wheel drive 20 occurs by an output shaft S7' (Fig. 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Huber to employ both a front and rear wheel drive on the output shaft in view of McAskill in order to provide power to both front and rear wheels thereby providing more traction.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

McAskill '793, Leber, Huber '686, Herlitzek, and Rebholz have been cited to show similar transmissions.

FACSIMILE TRANSMISSION

Submission of your response by facsimile transmission is encouraged. The central facsimile number is (571) 273-8300. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee which applicant is paying by check should not be submitting by facsimile transmission separately from the check.

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Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on _____ (Date)

Typed or printed name of person signing this certificate:

(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roger L. Pang whose telephone number is 571-272-7096. The examiner can normally be reached on 5:30am to 4:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Roger L Pang/
Primary Examiner, Art Unit 3681

Roger L Pang
Primary Examiner
Art Unit 3681

February 11, 2008